

## **REMARKS**

Please reconsider this application in view of the above amendments and the following remarks.

### Claim Amendments

Claims 21, 30 and 40 have been amended by way of this reply. Specifically, claim 21 has been amended to recite the first device having at least one speaker. Claim 21 has been further amended to recite acoustically transmitting the encoded encryption key signal from the at least one speaker of the first device to a microphone of a second device. Claim 23, which now depends from claim 21, has been amended to recite that the acoustically transmitted encoded encryption signal comprises DTMF signals.

Claim 30 has been amended to recite a first device having at least one speaker and a signal transmitter acoustically transmitting an encoded signal representative of the encryption key via the at least one speaker. Claim 30 has been further amended to recite a second having a microphone for receiving encoded signal from the first device.

Claim 40 has been amended to recite means for acoustically transmitting the encoded encryption key signal. Claim 40 has been further amended to recite means for receiving acoustically transmitted encoded encryption key signal at the second device.

No new matter has been added by way of this amendment, as support for the amendment can be found throughout the specification, for example, in paragraphs 0017-0021.

Claims 22, 24, 33, and 34 have been canceled without disclaimer or prejudice.

Therefore, claims 21, 23, 25-32, and 35-40 are now pending in this application.

### Rejections under 35 U.S.C. §103(a)

Claims 21, 24, 25, 28, 30, 31, and 36-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,396,612 (hereinafter “Bjorndahl”) in view of *Applied Cryptography* (hereinafter “Schneier”).

Independent claims 21, 30 and 40 have been amended by way of this reply. Therefore, this rejection is now moot.

Claims 22, 23 and 32-35 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the modified Bjorndahl and Schneier and further in view of U.S. Patent No. 6,297,892 (“Stein”).

Claims 22, 33, and 34 have been canceled by way of this reply. Claims 21, 30, and 40 have been amended as discussed above. To the extent that this rejection still applies to the amended independent claims, this rejection is respectfully traversed.

The Office Action, on page 4, admits that Bjorndahl and Schneier fail to disclose that “the encoded encryption signal comprises an acoustic signal.” Therefore, Bjorndahl and Schneier fail to disclose at least one limitation of claims 21, 30, and 40 that substantially require acoustically transmitting the encoded encryption key signal.

Stein teaches that a new binary code in its encrypted form is changed into a DTMF signal and transmitted *through the phone line*. Stein, col. 3, ll. 45-53. Because the signal is transmitted over the phone line, such a signal is necessarily an electrical signal, and not an acoustic signal. Furthermore, claims 21 and 30 require that the acoustic encoded encryption key signal be transmitted via a speaker from the first device to a microphone on the second device. But Stein, as shown in FIG. 3, teaches the encrypted binary code being transmitted via DTMF encoder/decoder 18. Stein is completely silent regarding transmitting the encoded encryption key signal via a speaker.

Thus, Bjorndahl, Schneier, and Stein, whether considered separately or in combination, fail to teach at least one limitation of independent claims 21, 30, and 40. Therefore, claims 21, 30, and 40 are patentable over Bjorndahl, Schneier, and Stein. Claims 23, 25, 28, 31-32, and 35-39 depend, directly or indirectly, from independent claims 21 and 30, and are patentable for at least the same reasons. Accordingly withdrawal of the rejection of these claims is respectfully requested.

Claims 26, 27 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the modified Bjorndahl and Schneier system as applied to claim 21 above and further in view of U.S. Patent No. 5,809,148 (hereinafter “Doberstein”). To the extent that this rejection still applies to amended independent claims 21, 30, and 40, this rejection is respectfully traversed.

As discussed previously, the combination of Bjorndahl and Schneier fails to teach at least one limitation of independent claims 21, 30, and 40. Specifically, Bjorndahl and Schneier fail to

teach acoustically transmitting the encoded encryption signal, and transmitting the encoded encryption key signal via a speaker on a first device to a microphone on a second device. Doberstein has been cited merely to allege that it teaches determining when a request for retransmission, because of an error occur[ing] in connection with the reception of a message, is needed based on performing error detection. Office Action, page 5. However, Doberstein does not teach the above stated required limitations of the claims. Therefore, Doberstein fails to teach all of the limitations of independent claims 21, 30, and 40, and that which Bjorndahl and Schneier lack with respect to these independent claims. Therefore, claims 21, 30, and 40 are patentable over Bjorndahl, Schneier, and Doberstein. Claims 26, 27, and 29 depend, directly or indirectly, from claims 21 and 30, and are patentable for at least the same reasons. Therefore, withdrawal of this rejection is respectfully requested.

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Based on the above, Applicants respectfully submit that the claims are patentable over the cited prior art and request that a Notice of Allowance be issued for these claims.

Respectfully submitted,

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